**HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO :22421 of 2006**

**Dated 19th July, 2007**

Between

Akula Naga Surya Vijaya Kumar

…Petitioner

and

The District Collector, EG District, at Kakinada, and, ors

…Respondents.

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 22421 of 2006**

**ORDER:**

In this Writ Petition, the petitioner questions the notification issued under Section 4(1) of the Land Acquisition Act, 1894, notifying his land to an extent of Ac.1.23 cents covered by Sy.No. 195/12 B of Surampalem village, Gandepalli Mandal in East Godavari District for the public purpose of construction of canal under Indira Sagar Project.

It is the grievance of the petitioner that the respondents have not followed the procedure contemplated under the A.P. Irrigation (Construction and Maintenance of Water Courses) Act, 1965 before notifying his land. It is his further grievance that as much as enquiry under Section 5-A of the Land Acquisition Act, 1894 is dispensed with, he is deprived of raising such objection.

In the Counter affidavit filed on behalf of the respondents, it is

stated that in view of the urgency, by invoking power under Section 17(4) of the Act, enquiry under Section 5-A of the Act is dispensed with . However, it is submitted by the learned Government Pleader appearing for the respondents that the respondents are prepared to conduct enquiry under Section 5-A of the Act

Impugned notification is issued for acquiring the land of the petitioner, by invoking urgency clause under Section 17(4) of the LA Act and dispensing with enquiry under Section 5-A of the LA Act. As much as it is submitted by the learned Government Pleader appearing for the respondents that the respondents are prepared to conduct enquiry under Section 5-A of the L.A. Act, I dispose of the Writ Petition setting aside the notification in proceedings Ref.No.B2/260/2006 dated 2-5-2006 only to the extent of dispensing with the enquiry under Section 5-A of the Act by invoking urgency clause under Section 17(4) of the Land Acquisition, 1894. I direct the respondents to conduct enquiry as contemplated under Section 5-A of the Land Acquisition Act, 1894 and it is open for the petitioner to raise all objections in the said enquiry. It is open to the enquiring authority to consider such objections independently. It is also clarified that the respondents can take further steps subject to outcome of the enquiry under Section 5-A of the Act.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

-

-

---

*JUSTICE R. SUBHASH REDDY*

DATE:19-7-2007.
Msnr.